

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 12CIV1085 AND FILED ON FEBRUARY 15, 2012

ATTORNEY(S): Shimshon Wexler,

YEHUDAH KATZ

Plaintiff

vs

CAPITAL ONE BANK (USA) NA

Defendant

STATE OF VIRGINIA COUNTY OF Chesterfield, SS.:Kenneth V. Condrey

being duly sworn deposes and says:

Deponent is not a party herein and is over 18 years of age. On March 1 - 2012 at 1:25 P M.
at C/O CORPORATION SERVICE COMPANY, 11 SOUTH 12TH ST, RICHMOND VA deponent served the within

SUMMONS AND COMPLAINT

on: CAPITAL ONE BANK (USA), N.A. Defendant therein named.

INDIVIDUAL

A ☐By personally delivering to and leaving with said
a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said

SUMMONS AND COMPLAINT

CORPORATION

B ☒By delivering to and leaving with Rene Nordquist at Corporation Service Co - Reg Agent
and that deponent knew the person so served to be the Authorized Agent of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE
AGE PERSONC ☐By delivering a true copy thereof to and leaving with _____ a person of suitable age and discretion
at _____ the said premises being the defendants/respondents
[] dwelling place (usual place of abode) [] actual place of business within the State of VIRGINIAAFFIXING
TO DOORD ☐By affixing a true copy thereof to the door of said premises, the same being the defendant's [] dwelling house (usual place of
abode) [] actual place of business within the State of VIRGINIAMAILING TO
RESIDENCE
(use with C or D)E1 ☐Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed
to defendant at defendant's residence at _____
and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within
the State of _____ on _____MAILING TO
BUSINESS
(use with C or D)E2 ☐Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed
to defendant at defendant's actual place of business at _____ in an official depository
under the exclusive care and custody of the United States Post Office within the State of _____. The envelope bore
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the
communication was from an attorney or concerned an action against the defendant and mailed on _____PREVIOUS
ATTEMPTS
(use with D)F ☐

Deponent had previously attempted to serve the above named defendant/ respondent

Day _____ Date _____ Time _____
Day _____ Date _____ Time _____
Day _____ Date _____ Time _____Deponent spoke with _____ who stated to deponent that the said defendant(s)
lived at the aforementioned address, but did not know defendant's place of employment.G ☐

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT
DESCRIPTION
(Use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 50 Approximate weight 165 Approximate height 5'8" Sex F
Color of skin White Color of hair Blonde Other GlassesMILITARY
SERVICE☐Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States
Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further
says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent
therein. Your deponent is over the age of 18 years and is not a party to this action.NON-
SERVICEH ☐After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due
to the following: [] Not known at address [] Address does not exist [] Evading [] Moved left no forwarding [] Other

WIT. FEES

☐

\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 2nd day of MARCH 2012Walter RiceKenneth V. Condrey
Attny's File No.

Invoice/Work Order # SP1202357